

ATTACHMENT A

FILED
DISTRICT CLERK OF
JEFFERSON CO TEXAS
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JAMIE SMITH
DISTRICT CLERK
D-200050

NO. D-200,050

ASHLEY FILLIPS
Plaintiff

§ IN THE DISTRICT COURT

V.

§ 136TH JUDICAL DISTRICT

RODERICK DEWAYENE JONES
AND BOYD BROS.
TRANSPORTATION, INC.
Defendants

§ JEFFERSON COUNTY, TEXAS

PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Ashley Fillips, hereinafter called Plaintiff, complaining of and about Roderick Dewayene Jones and Boyd Bros. Transportation, Inc. hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 3.

PARTIES AND SERVICE

2. Plaintiff, Ashley Fillips, is an Individual whose address is 1410 Mimosa Lane, Beaumont, Texas 77706.
3. The last three numbers of Ashley Fillips' driver's license number are 197. The last three numbers of Ashley Fillips' social security number are 196.
4. Defendant Roderick Dewayene Jones, an Individual who is a resident of Alabama may be served with process at the following address: 231 Park Place, Birmingham, AL 35203. Service is not requested.
5. Defendant Boyd Bros. Transportation Inc. is a Corporation based in Alabama, may be served with process by serving the registered agent of said company, Corporation Service

Company, Inc., at 641 South Lawrence Street, Montgomery AL 36104 its registered office.

Service of said Defendant as described above can be effected by certified mail, return receipt requested.

JURISDICTION AND VENUE

6. The subject matter in controversy is within the jurisdictional limits of this court.
7. Plaintiff seeks:
 - a. monetary relief over \$200,000 but less than \$1,000,000.
8. This court has jurisdiction over the parties because the accident occurred in Texas.
9. Venue in Jefferson County is proper in this cause under Chapter 15 of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

10. On or about Jul 27, 2016, in Jefferson County, Texas, Plaintiff slowed down due to traffic and was struck from behind by Defendant Roderick Dewayene Jones pushing Plaintiff into another vehicle. As a result of the collision, Plaintiff was injured.
11. Defendant Jones, was in the course and scope of his employment with Boyd Bros. Transportation at the time of the accident.

PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST RODERICK DEWAYENE JONES

12. Defendant RODERICK DEWAYENE JONES had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.
13. Plaintiff's injuries were proximately caused by Defendant Roderick Dewayene

Jones' negligent, careless and reckless disregard of said duty.

14. The negligent, careless and reckless disregard of duty of Roderick Dewayene

Jones consisted of, but is not limited to, the following acts and omissions:

- A. In that Defendant Roderick Dewayene Jones failed to keep a proper lookout for Plaintiff's safety that would have been maintained by a person of ordinary prudence under the same or similar circumstances;
- B. In that Defendant Roderick Dewayene Jones failed to keep such distance away from Plaintiff's motor vehicle as a person using ordinary prudent care would have done;
- C. In that Defendant Roderick Dewayene Jones failed to apply his brakes to his motor vehicle in a timely and prudent manner and/or wholly failed to apply his brakes in order to avoid the collision in question.

**PLAINTIFF'S CLAIM OF
RESPONDEAT SUPERIOR AGAINST BOYD BROS. TRANSPORTATION, INC.**

15. At the time of the occurrence of the act in question and immediately prior thereto, Roderick Dewayene Jones was within the course and scope of employment for Defendant Boyd Bros. Transportation.

16. At the time of the occurrence of the act in question and immediately prior thereto, Roderick Dewayene Jones was engaged in the furtherance of Defendant Boyd Bros. Transportation's business.

17. At the time of the occurrence of the act in question and immediately prior thereto, Roderick Dewayene Jones was engaged in accomplishing a task for which Roderick Dewayene Jones was employed.

17. Plaintiff invokes the doctrine of Respondeat Superior as against Defendant Boyd Bros. Transportation.

DAMAGES FOR PLAINTIFF

18. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, Ashley Phillips was caused to suffer serious injuries to his neck and back generally, and to incur the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff, Ashley Phillips for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Jefferson County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Loss of earnings in the past;
- H. Loss of earning capacity which will, in all probability, be incurred in the future;
- I. Disfigurement in the past;
- J. Disfigurement in the future;
- K. Mental anguish in the past; and
- L. Mental anguish in the future.

REQUEST FOR DISCLOSURE

19. Under the authority of Texas Rule of Civil Procedure 194, Plaintiff requests the Defendants disclose, within 50 days of the service of this Petition and request, the information or material described in Rule 194.2(a)-(l).

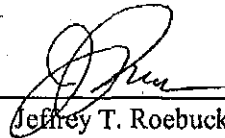
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Ashley Fillips, respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants, jointly and severally, for damages in an amount within the jurisdictional limits of the Court, together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

ROEBUCK, THOMAS, ROEBUCK & ADAMS

By: _____



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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true and correct copy of the above and foregoing document has been furnished to all parties of record on this the 6th day of June, 2017.

/s/ Jeffrey T. Roebuck
JEFFREY T. ROEBUCK